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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/577,986

05/02/2006

Qingian Zeng

60,469-097; OT-5220

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EXAMINER

KRUER, STEFAN

ART UNIT

PAPER NUMBER

3654

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DELIVERY MODE

06/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/577,986 | Applicant(s) ZENG ET AL. | |
| | Examiner Stefan Krueer | Art Unit 3654 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 - 20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2 May 2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 11 and 12 - 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson et al (4,361,208).

Re: Claims 1 – 11, Jackson et al disclose an elevator car assembly (10, Fig. 2) comprising:

- a frame (12, including, 14, 16, 18 and 20, 32 and 34, Col.2, L. 46 - 66);
- a platform (122) adjustably supported upon said frame, said platform being selectively adjustable relative to said frame to equally distribute a weight of said assembly;
- wherein said frame includes a plank beam (34) that is attached to an upright (18, 20) secured near each end of said plank beam and comprising at least one brace (172, 170) mounted between said platform and said upright, said brace stabilizing said platform in a selected position relative to said plank beam;
- wherein said brace includes a slot (to accept 144, Col. 6, L. 9) and a corresponding one of said uprights supports a member (144) that is received in said slot, said member operative to secure said brace in a selected position relative to said upright;
- wherein said brace comprises a steel sheet (Col. 1, L. 29);
- A plurality of braces (170, 172, Fig. 1) mounted in a substantially V-shaped orientation between said platform and said upright;
- wherein said braces are secured to said upright by a single fastener (144);

Art Unit: 3654

- wherein each of said braces includes a slot and a fastener at least partially received through said slots to secure said braces to said uptight;
- wherein said brace includes a slot near an end (184, Fig. 1) of said brace (approximate 148) that cooperates with said platform such that said end is adjustable relative to said platform (via slot 158 of platform) to alter a position of said platform relative to said plank beam;
- wherein said brace includes a second slot (approximate 144) near an opposite end (174) of said brace that cooperates with said uptight such that said opposite end is adjustable relative to said uptight to alter a position of said platform;
- wherein the platform is adjustable relative to the frame in at least a first direction within a plane of said platform and in a second direction that is not parallel to said plane (Fig. 2); and
- including a plurality of fixed length braces (170, 172 and 136) securing said platform in a selected position relative to said frame, respectively.

Re: Claims 12 - 15, Jackson et al disclose an elevator car frame assembly (10, Fig. 2) comprising:

- a first upright (18), a second upright (20), a horizontal member secured between said first upright and said second upright (34), and a platform (122) at least partially adjustably supported upon said horizontal member, at least one brace (170, 172) adjustably securing said platform to said first upright;
- wherein said brace comprises a slot (approximate 144) and including a fastener (144) that is at least partially received through said slot to secure said brace to one of said platform or said first uptight;
- wherein said brace comprises a second slot (approximate 148) and including a second fastener (148) that is at least partially received through said second slot to secure said brace to the other of said platform or said first upright; and
- a plurality of fixed-length braces (170, 172) adjustably mounted to said platform and said uprights, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al in view of Smith (US 2003/0010577).

Jackson et al are silent with respect to a plurality of isolation pads.

Attention is directed to Smith who teaches his isolation pads (40, Fig. 3) mounted to his platform (21) whereby his platform has a plurality of layers separated by his plurality of isolation pads, said pads having an equal weight distribution thereon (Para. 0022 - 0023) for damping of vibrations as known in the art.

It would have been obvious to one of ordinary skill in the art to modify the reference of Jackson et al with the teaching of Smith for user comfort.

Claims 17 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al in view of Ericson et al (5,564,529).

Ericson et al disclose an elevator car assembly (14, Fig.'s 1 and 2) comprising:

- a platform (46) comprising a plurality of sheets (56, 58, and 62) upon a plank beam (36);
- adjusting a position of the platform (by means of 44) relative to the plank beam;
- wherein the frame includes at least one brace (44) extending between the platform and an upright (38) secured to the plank beam;
- said brace to adjust the platform position;
- a cab (32) secured to the platform;

Art Unit: 3654

- the car assembly supported in a hoistway (12) and a position of the platform relative to the plank beam adjusted to thereby level the assembly within the hoistway.

However, Ericson et al are silent with respect to:

- to selectively distribute the platform weight over the plank beam to thereby balance the car assembly;
- subsequently adjusting the position of the platform with respect to the plank beam; and
- supporting a car assembly in a hoistway and subsequently adjust a position of the platform relative to the plank beam adjusted to thereby level the assembly within the hoistway.

Nevertheless, independent **Claim 17** and its dependents are considered product-by-process claims.

Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process.” See MPEP 2113.

The car assembly of Ericson et al contains the structures and interdependence as cited in the claim language, thereby meeting the claim language. Furthermore, the leveling of the car assembly during and following the installation of the elevator car on the platform would have been obvious to one having ordinary skill in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Suchodolski et al (5,325,937) and Himes (1,907,967) are cited for isolation and balancing of elevator car assemblies, respectively.

Art Unit: 3654

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571.272.6856. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

/Stefan Kruer/

Examiner, Art Unit 3654

8 June 2008

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654